

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

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Illinois Commerce Commission
RAIL SAFETY SECTION

Village of Fox River Grove, Illinois,
Petitioner,

v.

Union Pacific Railroad (UP) and the State of Illinois,
Department of Transportation (IDOT),
Respondents.

Petition to 1) interconnect traffic signals to be installed at the intersection of U.S. Route 14 (Northwest Highway) and Foxmoor Road with the railroad warning devices at the Foxmoor Road at-grade crossing of the UP double mainline tracks in the Village of Fox River Grove; 2) establish the amount of minimum preemption time provided by the UP to IDOT for the traffic signal preemption sequence at said intersection; 3) provide a 6' wide sidewalk platform across the tracks; 4) install the southeast side traffic presignals on a railroad signal cantilever.

Docket No. T01-0016

PETITION FOR SUPPLEMENTAL ORDER

Respondent, State of Illinois, Department of Transportation (IDOT), by and through its attorney Lisa Madigan, Illinois Attorney General, files the Petition For Supplemental Order and in support thereof states as follows:

1. The October 24, 2001 Supplementary Interim Order provides, inter alia, that IDOT, or an IDOT Contractor, install traffic signals at the intersection of Foxmoor Road and U.S. Route 14.
2. It has just been brought to the attention of counsel for IDOT that this is incorrect in that it was the intent of the parties that the Village of Fox River Grove be responsible for installing, or for causing to be installed, the traffic signals at the intersection of Foxmoor Road and U.S. Route 14 pursuant to a permit issued by IDOT.
3. The following paragraphs and/or provisions of the October 24, 2001 Supplementary Interim Order need to be amended to address this error and place the responsibility on the proper party as follows:

- a) page 5, first full paragraph

It is further ordered that ~~IDOT~~ the Village or ~~IDOT's~~ the Village's contractor shall install an overhead traffic signal on the railroad cantilever on the southeast side of the subject crossing and ~~IDOT~~ the Village agrees that such installation shall be performed using a bucket truck and ~~IDOT~~ the Village and ~~IDOT's~~ the Village's contractor and its employees shall be prohibited from climbing onto the railroad

cantilever to install, repair, maintain, or rehabilitate the overhead traffic signals.

b) page 5, second full paragraph

It is further ordered that IDOT or IDOT's contractor shall maintain the highway traffic signals approved herein and circuitry therefore and the Railroad shall install and thereafter maintain all of the railroad signals and circuitry herein required by this Order and IDOT agrees to require its contractors, subcontractors and their employees performing said maintenance on the Railroad's property including the cantilever to execute and deliver to the Railroad a Right-of-Entry Agreement in the form of that attached to the Railroad's Response to Hearing Examiner's Interim Order as Exhibit 3.

c) page 6, fourth full paragraph

It is further ordered that ~~IDOT's~~ the Village's contractor shall be responsible for all traffic signal installation, and thereafter IDOT's contractor shall be responsible for maintenance, repair, and replacement and that the Railroad shall not be liable for any damages to property or for bodily injury resulting from any traffic signal failure or malfunction.

d) page 6, seventh full paragraph

It is further ordered that ~~IDOT's~~ the Village or ~~IDOT's~~ the Village's contractor shall notify the Railroad at least seven (7) days prior to commencing the traffic signal installation work herein required.

e) page 6, eighth full paragraph

It is further ordered that ~~IDOT~~ the Village and the Railroad shall each within six (6) months from the date of this Order furnish to the Director of Processing, Transportation Division of the Commission a written report stating the progress each has made toward the completion of the work herein required. Each progress report shall include the Commission Order number, the Order date, the

f) page 7, first full paragraph

It is further ordered that the Railroad and ~~IDOT~~ the Village shall each notify the Director of Processing, Transportation Division of the Commission within five (5) days of completion of their work herein required.

WHEREFORE, Respondent, Illinois Department of Transportation respectfully requests that the Illinois Commerce Commission grant its request and issue an amended Order incorporating the suggested changes above. The Respondent, Illinois Department of Transportation further prays that the Petition for Supplemental Order be granted without a hearing.

Respectfully submitted,
ILLINOIS DEPARTMENT OF TRANSPORTATION

By: Lisa Madigan
Attorney General

By: Stacey C. Hollo
Stacey C. Hollo ^{4B}
Special Assistant Attorney General

Dated: JUN 6, 2003
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 311
Springfield, Illinois 62764
Phone (217) 782-3215

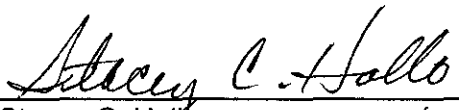
STATE OF ILLINOIS
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Department of Transportation (IDOT),)	
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NOTICE OF FILING

TO: Mr. Mack Shumate, Atty.
Mr. Peter M. Rosenthal, Atty.
Mr. David W. McKernan, UP
Ms. Donna Brouder, Village Clerk
Stephen J. Tasch, Village President

PLEASE TAKE NOTICE that I have this 6th day of June, 2003, forwarded to Mr. Dave Lazarides, Director of Processing, Transportation Division, of the Illinois Commerce Commission, Springfield, Illinois, for filing in the above matter, a Petition For Supplemental Order, a copy of which is attached hereto and hereby served upon you.

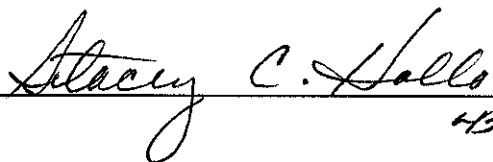


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(217) 782-3215

Counsel for the Illinois
Department of Transportation

PROOF OF SERVICE

The undersigned hereby certifies that a copy of the foregoing instrument was served upon the addresses listed below by mailing a true and correct copy via first class mail, postage pre-paid and depositing the same in the United States Mail, Springfield, Illinois, this 6th day of June, 2003:


HB

Mr. Mack H. Shumate, Jr.
Union Pacific Railroad Company
101 N. Wacker Dr., Ste. 1920
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Mr. Peter M. Rosenthal
Rosenthal, Murphey, Coblentz & Janega
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Mr. David W. McKernan
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210 North 13th Street, Rm. 1612
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Ms. Donna Brouder
Village Clerk
Village of Fox River Grove
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Fox River Grove, IL 60021

Mr. Stephen J. Tasch
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Village of Fox River Grove
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Fox River Grove, IL 60021